



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,062	04/12/2005	Takuya Shimada	00862.023444.	2527

5514 7590 03/25/2009  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

TRAN, DUNG D

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

03/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/531,062

**Applicant(s)**

SHIMADA, TAKUYA

**Examiner**

Dung D. Tran

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's response to the last Office Action filed, 1/29/2009, has been entered and made of record.

Claims 41, 43, 45-48 and 50 have been amended.

Claims 52-53 have been newly added.

Claims 41-53 remain pending in this application.

Applicant's arguments with respect to the rejection(s) of claim(s) 41-51 have been fully considered and are persuasive. Applicant submits a sworn translation of Japanese Patent Application No. 2003-028668, from which the application claims priority to February 5, 2003 under 35 U.S.C. § 119. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 7,397,572 B1 to Horri. This action is made final because the applicant changed the scope of the claims. For example, claim 41 was previously directed to converting the monochrome signal into a chromaticity signal of the color space, the amended claim 41 now converts the image signal into a chromaticity signal. Therefore, this action is made final because the applicant has changed the scope of the claims.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 41-53** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 7,397,572 B1 to Horri in view of U.S. Patent No. 6,204,940 B1 to Lin et al.

4. As to **claim 41**, Horri discloses a color conversion method of converting an image signal into a monochrome signal, comprising:

setting a tint adjustment value used to adjust the image signal to a desired tint desired by a user (column 3, lines 24-35 and step SP3 of figure 2);

acquiring color reproduction characteristics dependent on an image output apparatus (column 3, lines 57-67) and a recording medium (column 2, lines 32-39);

converting the image signal into a chromaticity signal using the tint adjustment value set in the setting step and the color reproduction characteristics acquired in the acquiring step (column 4, lines 1-8); and

forming a tint adjusted monochrome signal from the chromaticity signal converted in the converting step (step SP4 of figure 2 and column 6, lines 12-18) and a brightness signal according to the image signal (figure 6 and column 10-24), and outputting the tint adjusted monochrome signal (column 6, lines 42-47),

Horri does not expressly disclose wherein, in the converting step, the image signal is converted so as to map chromaticity points of black print color and white print color depending on the image output apparatus and the recording medium, and map a chromaticity point of the tint adjustment value for middle lightness excepting neighborhoods of black print color and white print color.

Lin, in the same area of image processing, discloses a process (figure 2) of color conversion, white point and black point mapping (figure 4A and abstract), and mid-tone adjustment to obtain the correct brightness of an image (column 6, lines 11-24).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Yoshida/Kondo's color conversion method by the teaching of Lin because black and white point mapping would increase a dynamic range of an image, as well as remove any color cast from the image (column 1, lines 65-67 - column 2, lines 1-2).

5. As to **claim 42**, Horri further discloses wherein, in the acquiring step, the color reproduction characteristics is acquired from a profile (adjustment curve) of the image output apparatus (column 3, lines 57-67).
6. As to **claim 43**, Horri further discloses wherein, in the setting step, the chromaticity point for adjusting the image signal is set as the tint adjustment value (column 4, lines 35-43).
7. As to **claim 44**, Horri further discloses wherein the chromaticity point is set in a predetermined range in the setting step (column 7, lines 9-14).
8. As to **claim 45**, Horri further discloses wherein, in the converting step, the image signal is converted into a chromaticity point determined by a rate of change (user updating parameters until the desired tint is achieved, column 6, lines 1-47) in the neighborhoods of black print color and white print color (supplied image data Dp can be a black and white image, column 9, lines 3-9).

9. As to **claim 52**, Horri discloses a color conversion method of converting an image signal into a monochrome image signal, comprising:

setting a tint adjustment value used to adjust the image signal to a tinted monochrome image signal (column 3, lines 24-35 and step SP3 of figure 2); and

converting the image signal into the tinted monochrome image signal using the tint adjustment value set in the setting step (column 4, lines 1-8) and color reproduction characteristics dependent on an image output apparatus (column 3, lines 57-67),

wherein, a setting range for the tint adjust value is limited on a color space for preventing from excessive tincture (column 4, lines 36-44).

Horri does not expressly disclose wherein, in the converting step, the image signal is converted so as to map chromaticity points of black print color and white print color depending on the image output apparatus, and map a chromaticity point of the tint adjustment value for middle lightness excepting neighborhoods of black print color and white print color.

Lin, in the same area of image processing, discloses a process (figure 2) of color conversion, white point and black point mapping (figure 4A and abstract), and mid-tone adjustment to obtain the correct brightness of an image (column 6, lines 11-24).

The same motivation is used as the rejection to claim 41 above.

10. **Claims 46-50, 53** are a color conversion apparatus for converting a monochrome signal into a color space color signal on a color space independent of an apparatus (figure 1) correspond to method claims 41-45, 52. Therefore they have been analyzed and rejected based on method claims 41-45 and 52 respectively.

11. As to **claim 51**, Horri further discloses a computer readable recording medium, storing, in executable form, a computer program for causing a computer to execute the color conversion method according to claim 41 (column 4, lines 16-22).

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung D. Tran whose telephone number is (571)270-5309. The examiner can normally be reached on Monday-Friday 7:30AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on (571) 272-7653. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D. T./  
Examiner, Art Unit 2625

/Mark K Zimmerman/  
Supervisory Patent Examiner, Art Unit 2625